

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

G.G. MARCK & ASSOCIATES, INC.,

Plaintiff,

v.

JAMES PENG,

Defendant.

Case No. [07-mc-80222-SI](#)

**ORDER RE: MOTION TO SET ASIDE  
JUDGMENT**

Re: Dkt. No. 13

The Court is in receipt of defendant James Peng's motion to set aside judgment. Dkt. No. 13. Pursuant to Civil Local Rule 7-1(b), the Court determines that this matter is appropriate for resolution without oral argument and VACATES the hearing set for May 19, 2017. The Court hereby DECLARES VOID the abstract of judgment entered as Dkt. No. 11.

On January 5, 2012, the Northern District of California issued an abstract of judgment in this matter based on a certified judgment from the Northern District of Ohio in the amount of \$2,253,975. Dkt. Nos. 10-11. The Sixth Circuit reversed the underlying Ohio judgment in March 2012. Dkt. No. 14-7. In the Ohio action, on April 12, 2012, the district court granted defendant's motion for release of judgment liens. *See* Dkt. No. 407, *G.G. Marck & Assoc., Inc. v. Peng*, No. 05-cv-7391-DAK (N.D. Ohio Apr. 12, 2012). Plaintiff executed a general release of judgment lien shortly thereafter, which was then recorded in Santa Clara County. *See* Dkt. No. 14-6. Mr. Peng states that a recent title search on his California property still reflects the above judgment as against him individually. Dkt. No. 13 at 2; Dkt. No. 13-1.

In his motion, defendant asks the Court "to set aside the Judgment Lien" against him. Dkt. No. 13 at 3. The Court interprets this as a request to void the abstract of judgment issued in this matter and, in this respect, GRANTS defendant's motion.<sup>1</sup> The Court hereby DECLARES VOID

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<sup>1</sup> If defendant seeks a different form of relief, he may file an appropriate motion or bring an

1 the abstract of judgment entered as Dkt. No. 11.

2 This order resolves Dkt. No. 13.

3 **IT IS SO ORDERED.**

4 Dated: May 17, 2017



SUSAN ILLSTON  
United States District Judge

28 appropriate action in state or federal court.